

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK IANTOSCA

Plaintiff,

-against-

ELIE TAHARI LTD.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/18/2020

1:19-cv-4527-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Pursuant to the discussion with the parties on the record of the hearing on August 5, 2020, the Court issued an Order Requesting Certified Deposit Copies on August 11, 2020, requesting the United States Copyright Office to provide certified deposit copies of the works registered under VA-2-150-161 in connection with this action [ECF No. #55] (the “Request Order”). Since Defendant raised this issue in connection with its Opposition to Plaintiff’s Motion for Summary Judgment but never requested deposit copies during discovery and therefore offered no evidence in support of its Opposition, and since both parties consented on the record to the Court attempting to facilitate obtaining a deposit copy at Defendant’s expense, the Court issued a separate Order that same date providing that Defendant shall bear any cost associated with obtaining these deposit copies [ECF No. #54].

In response to its Request Order, the Court has received correspondence from the Records Research and Certification Section of the U.S. Copyright Office providing for an initial payment to complete its request for certified deposit copies. Instructions to submit payment provided by the Records Research and Certification Section of the U.S. Copyright Office are as follows:

To complete your request for records, the Office requires an initial (non-refundable) payment of **\$200.00**. Once the payment has been received, we will proceed with your request and inform you of the additional fees

needed. The \$200.00 estimate of retrieval fee will be applied to the balance of your request.

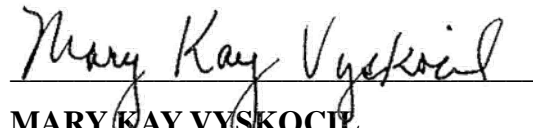
Processing of your request will begin once the U.S. Copyright Office receives payment of compulsory fees. To submit payment electronically, visit <https://www.pay.gov/public/form/start/408083216>, click "Continue to the Form", select Records Research and Certifications (RRC) and enter the RRC Service Request number (SR 1-9124516401). To pay by telephone, please contact the Accounting Office at (202) 707-8443. The office is open Monday through Friday (except holidays), from 8:30am – 5:00pm EST. A staff member will assist with payment.

Accordingly, it is hereby ORDERED that Defendant shall submit the necessary payment to complete the request and file on the docket in this case documentation confirming the submission of such payment on or before **August 24, 2020**. Defendant shall redact any sensitive payment information.

FAILURE TO COMPLY WITH THIS ORDER AND THE DEADLINES SET FORTH HEREIN MAY RESULT IN THE COURT OVERRULING DEFENDANT'S OBJECTION TO PLAINTIFF'S PENDING MOTION FOR SUMMARY JUDGMENT.

SO ORDERED.

**Date: August 18, 2020
New York, NY**


MARY KAY VYSKOCIL
United States District Judge